



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

June 29, 2005

SUBJECT: **2005-0507 – Chi-Ching Hung** [Applicant] **Marie A. Vincent W. Cala** [Owner]: Application on a 238,709 square foot lot located at **1111 W. El Camino Real** (near Grape Avenue at the Cala Shopping Center) in a C-2 (Highway Business) Zoning District (APN: 161-23-001);

MOTION: Use Permit to allow a martial arts karate studio in an existing 1,080 square foot tenant space;

REPORT IN BRIEF

Existing Site Conditions Shopping Center

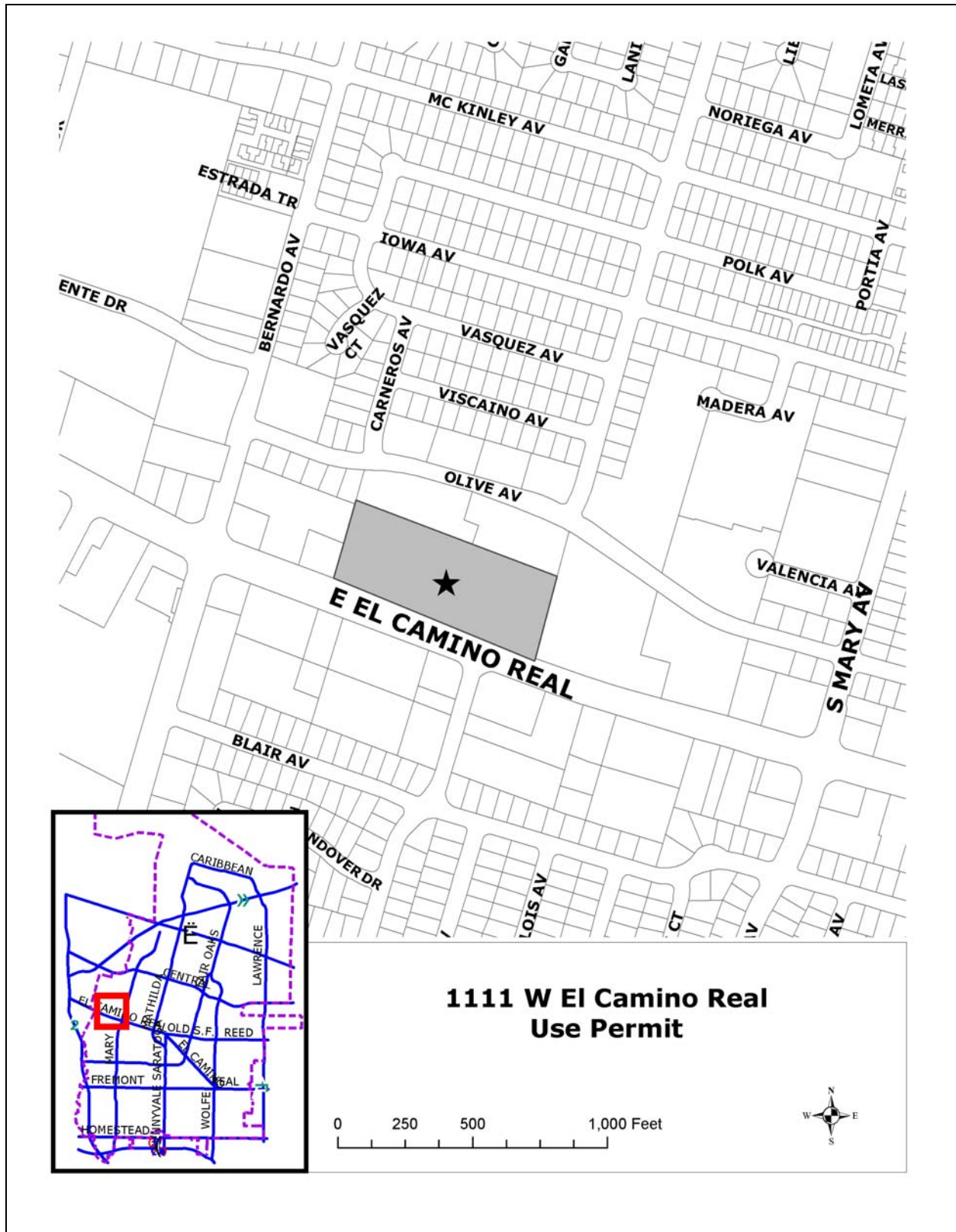
Surrounding Land Uses

North	Medium Density Residential
South	Across El Camino Real, Highway Business
East	Highway Business
West	Highway Business

Issues Parking
 Noise

Environmental Status A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approve



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Commercial General Business	Same	Commercial General Business
Zoning District	C-2	Same	C-2
Lot Size (ac.)	5.48 ac.	Same	No min.
Gross Floor Area (s.f.)	68,042	Same	No max.
Gross Floor Area of Tenant	1,080	Same	No max.
No. On-Site Buildings	4	Same	---
No. of Stories	2	Same	8 max.
Parking			
Total Spaces	370	Same	370 per SDP
Standard Spaces	363	Same	363 per SDP
Compact Spaces	0	Same	10% max.
Accessible Spaces	7	Same	7 per SDP
Bicycle Parking	0	Same	1 min.

ANALYSIS**Description of Proposed Project**

The applicant has proposed an educational use of the tenant space for the training of martial arts.

Background

Previous Actions on the Site: The Cala Center has 24 tenant spaces, including Longs Drugs as an anchor store. The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing / Decision	Date
2004-0711	Use Permit to allow rooftop antennas within a screened area	Administrative Hearing / Approved	11/10/04
2002-0406	Use Permit to allow a restaurant	Administrative Hearing / Approved	6/24/02
1992-0139	Use Permit to allow an exercise studio	Administrative Hearing / Approved	4/15/92

Environmental Review

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemption includes change of use.

Use Permit

Use: The proposed use of the site is for martial arts training. The training and workout sessions are designed to improve physical strength, discipline, self-confidence and focus. The proposed hours of operation are 3:00 p.m. to 7:00 p.m. Monday through Friday, and Saturday from 10:00 a.m. to noon. The classes shall have a maximum of 14 people, including students and instructors. Age of students range from 10 to 80 years old. Classes will not be run concurrently. Classes range from 30 minutes to 45 minutes.

Site Layout: The Cala Shopping Center has four building located primarily along the perimeter of the site with a large parking lot located in the middle of the site. The subject tenant space is located in the building located along the northern boundary of the site, with easy access to the parking area.

Landscaping: The landscaping is as required by the originally approved development plan. It is of note that the large heritage Oak tree that was an aesthetic centerpiece at the Cala Center was recently removed due to the tree being in decline. A replacement Oak tree will be planted on the site.

Parking/Circulation: The proposed use typically results in parking issues, given the parking ratio requirements for areas of assembly and the potential for several students arriving at one time. However, the two educational uses comprise less than 10% of the total tenant space, the Sunnyvale Municipal Code calls for the parking calculation to be based on the shopping center use (SMC 19.46.010.b).

The proposed hours of operation are 3:00 p.m. to 9:00 p.m. Monday through Friday and 10:00 through 9:00 p.m. on Saturday. Operating on off-peak hours

will minimize the impact of being located near the Fresh Choice restaurant, which has a high parking demand during peak lunch hours.

Compliance with Development Standards/Guidelines: The proposed project meets the design guideline requirements.

Expected Impact on the Surroundings: The proposed use is expected to have a minimal impact on the surrounding tenant spaces, with the possible exception of occasional noise. According to the applicant, the practice of martial arts requires occasional outbursts of sound as part of the practice.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

A total of 24 notices were mailed out to the surrounding properties and the Sunnyvale Elementary School District. The subject site is not in a designated neighborhood association area. One envelope was returned by the Post Office as a tenant space was vacant. The tenant discussed the issue of potential noise concerns with the owner/operators of the neighboring businesses, and staff has not been notified of any related concerns to date.

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• 24 notices mailed to property owners and residents adjacent to the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Conclusion

Discussion: The applicant is proposing a use that enhances the community by providing access to additional recreational and cultural resources. Given the location of the tenant space near a large restaurant, staff noted that there may be a high demand for parking spaces during peak hours. However, the applicant has requested a start time of 3:00 p.m., which is after the peak lunch time hours.

Findings and General Plan Goals: Staff was able to make the required Findings based on the justifications for the Use Permit. Findings and General Plan Goals are located in Attachment A.

Conditions of Approval: Conditions of Approval are located in Attachment B.

Alternatives

1. Approve the Use Permit with attached conditions.
2. Approve the Use Permit with modified conditions.
3. Deny the Use Permit.

Recommendation

Alternative 1.

Prepared by:

Jamie McLeod
Project Planner

Reviewed by:

Diana O'Dell
Senior Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site Plans
- D. Letter from the Applicant

Recommended Findings - Use Permit

Goals and Policies that relate to this project are:

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project.

Land Use and Transportation Sub-Element

N1.3. *Support a full spectrum of conveniently located commercial, public, and quasi-public uses that add to the positive image of the City.*

N1.14.3. *Encourage multiple uses of some facilities within the capacity of the land and the roadway system.*

The proposed use provides a valuable educational and recreational use within an existing commercial building. The martial arts center would provide a community resource that is responsive to the diversity of the City. And the center would be conveniently located along a major transportation corridor of the City.

2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District.

The project is compatible with uses in the immediate vicinity, which contain uses that are traditionally found in the Commercial General Business Zone. The center is not expected to negatively impact adjacent properties or significantly increase noise or parking congestion because the business will operate during off peak hours of the commercial office center.

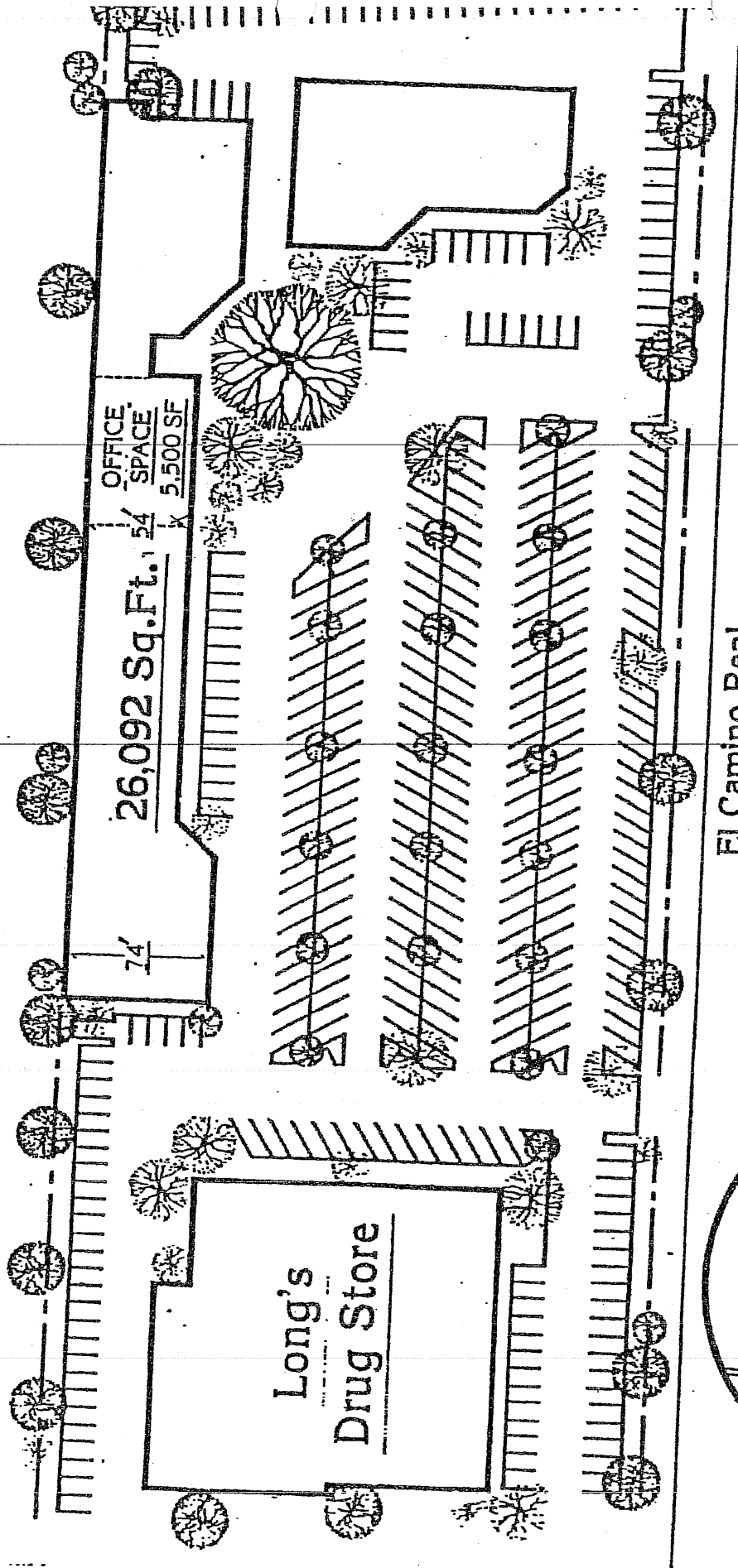
Recommended Conditions of Approval - Use Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit. Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. Conditions of Approval shall be reproduced on the cover page of the plans submitted for a Building Permit for this project.
2. This Use Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.
3. The Use Permit for the use shall expire if the use is discontinued for a period of one year or more.
4. The Use Permit pertains only to the subject tenant space or to an equivalent sized tenant space in the Cala Center if this space is vacated.
5. Prior to commencement of use, building permits from the City of Sunnyvale shall be obtained for required improvements for the proposed occupancy type and tenant improvements for the building.
6. Prior to commencement of use, approval of plans by the Fire Prevention division of the City of Sunnyvale is required related to the proposed occupancy type, fire safety and protection controls, and emergency exiting and lighting requirements.
7. Any major site plan and architectural modifications or changes to the use shall be treated as an amendment of the original approval and shall be subject to approval at a public hearing, except minor changes of the original approved plans may be approved administratively by the Director of Community Development.
8. Each class shall provide instruction to a maximum of 15 students at one time.
9. The type of use is limited to recreational and/or educational activities, such as martial arts, dance, yoga or tutoring (up to the maximum of 15 students at one time).
10. Prior to the commencement of the use, the main instruction room shall have padding installed in a permanent or semi-permanent manner to the floor as indicated by the applicant to ensure use as a martial arts instructional space and not as an open seating or area of assembly.

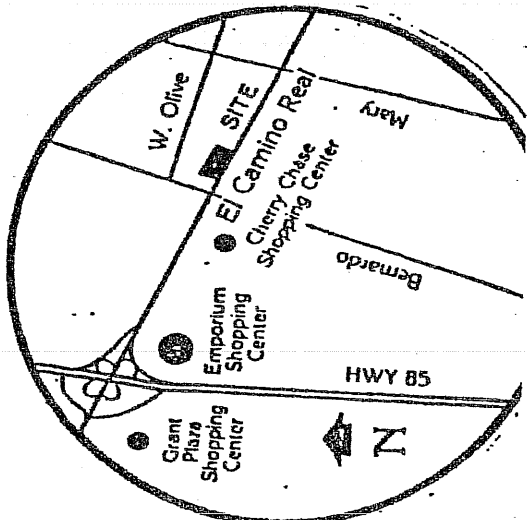
11. Hours of Operation for the martial arts school shall be limited to Monday through Friday from 3:00 p.m. to 9:00 p.m. and 10:00 a.m. to 9:00 p.m. on Saturday. The expansion of these hours are subject to the review and approval by the Director of Community Development through a Miscellaneous Plan Permit.
12. Provide one Class II bicycle parking rack in the vicinity of the tenant space.
13. The use shall comply with the City of Sunnyvale Noise Ordinance, Title 19 Section 19.24.030.
14. Obtain a Business License from the Revenue Division prior to commencement of use.
15. All proposed signs shall comply with the Master Sign Program.

Cala Center Site Plan



El Camino Real

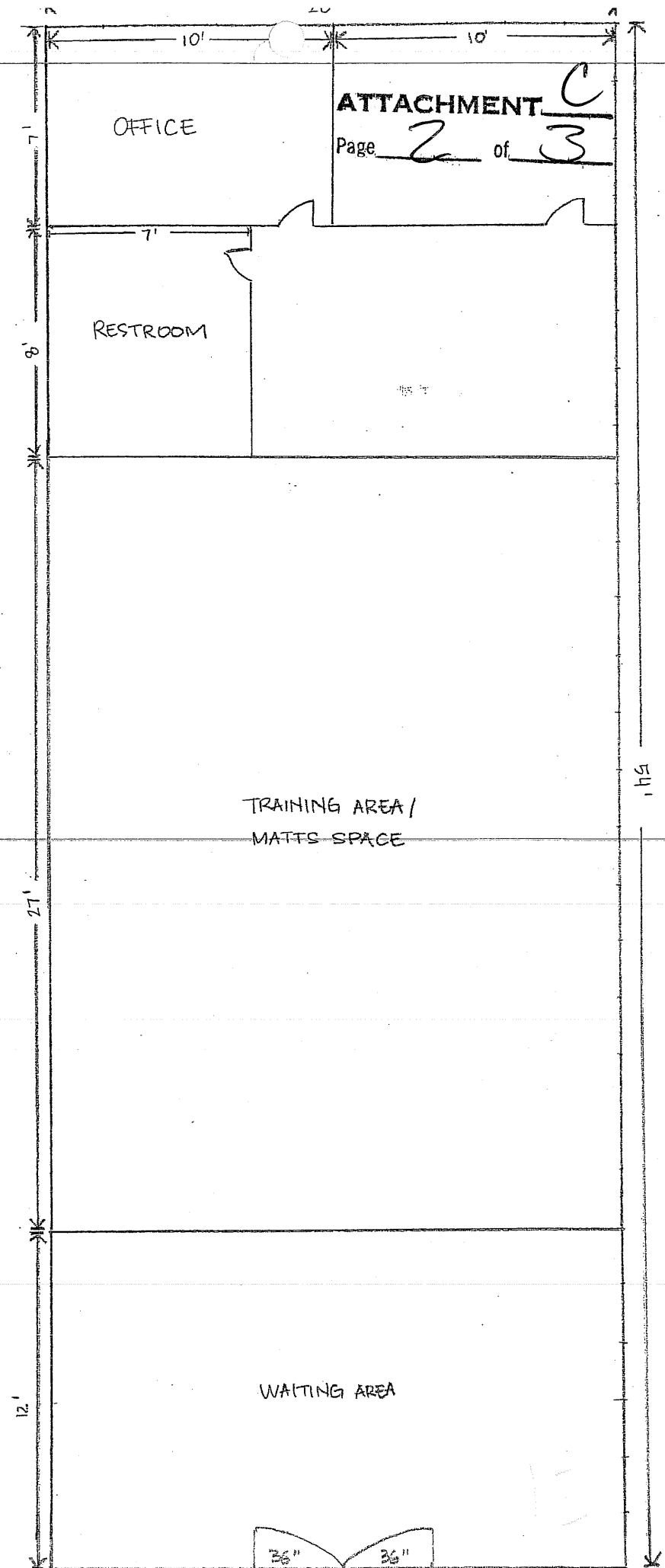
SITE	242,500 (5.57 AC)
PARKING	370 STALLS
RATIO	1/184
BUILDING	68,042 SF
RETAIL SPACE	36,142 SF
OFFICE SPACE	5,500 SF
LONG'S DRUGS	26,400 SF



2005-0507

CALA CENTER
1111 W. EL CAMINO REAL STE # 117
SUNNYVALE, CA 94087

TOTAL : 1080 SQ FT



TENANT	SUITE #	SQUARE FEET
Allstate Insurance	213&215	2,128
Amazing Face	111	1,080
Ballroom Connection	219	1,064
Batteries and Bulbs	135	2,008
Dentist- Dr.Thai	129	1,728
Easy Tan	217	1,064
Ego Frames	133	1,472
Check In Cash Out	121	1,242
Expert Hair Do	131	972
Fresh Choice	1105	4,356
Fusion India	134	1,702
Holiday Cleaners	125	826
La Miche	1107	1,114
Longs		Ground lease
UPS Store	109	1,113
Neighbor Hood Video	119	1,080
Nith Jeweler	113	1,080
Taaza Hut	137	1,236
Tutoring Club	127	1,026
	117	1,080
Sunnymount Produce	1101	4,535
Sweet Heart Florist	115	1,080
Tuesday Morning	107	6,709
Vision Center	123	1,658
Total		41,353

USE PERMIT JUSTIFICATIONS

2)

Karate/Martial Arts Studios (Tiger Martial Arts Academy) are generally extremely complimentary to the neighboring businesses and in fact, they welcome them since they tend to bring visitors and positive interest to the area. The set up for a Martial Arts Studio is very simple and consists primarily of a waiting area, training floor area and a small office which is a perfect match since the proposed use of the Martial Arts Studio located at the Cala Center (location #117) already meets all those requirements. There is no need for extensive build outs or intrusions to the neighboring businesses, properties and community. Martial Arts Studios are very beneficial for the Sunnyvale community, they provides great workouts and build confidence, strength, focus and connect people for a better community. It is also a great way of relieving daily stresses and most importantly it is healthy and fun.